

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:24-cv-00039
)	
OHIO REFINING COMPANY, LLC,)	
CHEVRON U.S.A. INC.,)	
PILKINGTON NORTH AMERICA, INC.,)	
CHEMTRADE LOGISTICS, INC.,)	
and)	
ENERGY TRANSFER (R&M), LLC,)	
)	
Defendants.)	
_____)	

**UNITED STATES OF AMERICA’S
NOTICE OF LODGING OF PROPOSED CONSENT DECREES**

Plaintiff United States of America, by and through its undersigned attorneys, respectfully lodges the attached proposed Consent Decrees with this Court.

1. Plaintiff United States of America has brought an action against Ohio Refining Company, LLC; Chevron U.S.A. Inc.; Pilkington North America, Inc.; Chemtrade Logistics, Inc.; and Energy Transfer (R&M), LLC (collectively, the “Defendants”), under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9607, Section 311(f) of the Federal Water Pollution Control Act (also known as the Clean Water Act or “CWA”), 33 U.S.C. § 1321(f), and Section 1002 of the Oil Pollution Act (“OPA”), 33 U.S.C. § 2702, for recovery of damages for injury to, loss of, or destruction of natural resources resulting from releases of hazardous substances and/or oil into the environment at the Duck & Otter Creeks NRDA Site.

2. Each Defendant has entered into a proposed Consent Decree which has been signed by authorized representatives of the United States and that Defendant.

3. The Court should not enter the attached proposed Consent Decrees until the public has had an opportunity to comment and the United States has addressed those comments, if any.

4. In accordance with 42 U.S.C. § 9622(d)(2) and 28 C.F.R. § 50.7 (1996), following the lodging of the proposed Consent Decrees, the United States Department of Justice will publish notice of the Consent Decrees in the Federal Register to commence a 30-day comment period.

5. If the United States receives any public comments, it will consider and file with the Court any written comments on the proposed Consent Decrees along with the United States' response to those comments.

6. The United States may withdraw or withhold its consent to any of the proposed Consent Decrees if the comments disclose facts or considerations which indicate that a proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest.

7. At the conclusion of the public comment period, the United States will either: (1) notify the Court of its withdrawal of a proposed Consent Decree, or (2) respond to any comments received and move this Court to enter the proposed Consent Decrees.

8. This commenting procedure is also identified and articulated in each of the proposed Consent Decrees themselves. See Ohio Refining Co. Consent Decree, Paragraph Nos. 41-42; Chevron U.S.A. Consent Decree, Paragraph Nos. 41-42; Pilkington N.A. Consent Decree, Paragraph Nos. 42-43; Chemtrade Logistics Consent Decree, Paragraph Nos. 42-43; and Energy Transfer (R&M) Consent Decree, Paragraph Nos. 41-42.

Wherefore, the United States respectfully gives notice of the lodging of the proposed Consent Decrees.

Respectfully submitted,

TODD KIM
Assistant Attorney General
Environment and Natural Resources Division

s/ Jeffrey A. Spector
JEFFREY A. SPECTOR
Senior Attorney
Environmental Enforcement Section
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7511
(202) 514-4432
Jeffrey.Spector@usdoj.gov

REBECCA C. LUTZKO
United States Attorney
Northern District of Ohio

/s Guillermo L. Rojas
GUILLERMO L. ROJAS
Assistant United States Attorney
Northern District of Ohio
Four Seagate, Third Floor
Toledo, OH 43604
(419) 241-0716
Guillermo.Rojas@usdoj.gov

OF COUNSEL:

Kelly Brooks Bakayza, Esq.
Senior Attorney
U.S. Department of the Interior
Office of the Solicitor
5600 American Blvd W., Suite 650
Bloomington, MN 55437

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *United States of America's Notice of Lodging of Proposed Consent Decrees* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. mail. Parties may access this filing through the Court's system.

1/8/24

Date

s/ Jeffrey A. Spector

Jeffrey A. Spector